

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 13-CR-663-MV

MATTHEW I. GROBSTEIN

Defendant.

**DEFENDANT GROBSTEIN'S NOTICE OF LODGING OF
GREYHOUND SURVEILLANCE VIDEO**

Defendant Matthew I. Grobstein, through undersigned counsel, hereby notifies the Court of his lodging of Greyhound surveillance video from the morning of February 21, 2013, the same day of Mr. Grobstein's arrest. Counsel requested and received leave from the Court to supplement the record with this video on September 10, 2013, during the second day of the suppression hearing in this matter. This video will be hand-delivered to the Clerk of the United States District Court in Albuquerque, New Mexico, on September 23, 2013, the day of this filing, and mailed to chambers on the same date.

This surveillance video captures Special Agent Jarrell Perry and Task Force Officer John Walsh conversing with an individual outside of the Greyhound terminal in Albuquerque, N.M., at approximately 10:21 a.m. the morning of February 21, 2013.



Notably, the morning surveillance video depicts SA Perry clad in the same clothing worn later that evening SA Perry arrested Mr. Grobstein.



The individual depicted in the February 21st morning surveillance video, Jose Israel Villaba, was ultimately arrested. *See* Feb. 21, 2013 Greyhound video, at 10:26:21. This surveillance video was admitted into evidence during the July 29, 2013 suppression hearing in Mr. Villaba's criminal case. *See United States v. Villaba*, No CR 13-00664 JB, Doc. 52, at n. 5. In his *Amended Memorandum Opinion and Order* denying Mr. Villaba's motion to suppress, the Honorable James O. Browning found that TFO Walsh had authenticated this surveillance video as an accurate depiction of TFO Walsh and SA Perry during their encounter with Mr. Villaba the morning of February 21, 2013. *See id.* Assistant United States Attorney Paul Mysliwiec litigated the motion to suppress for the United States during the *Villaba* hearing. *See id.* at p. 11, ¶ 34, p. 71.

Respectfully submitted,

ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, SCHOENBURG & BIENVENU, LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of September, 2013 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Paul Mysliwiec
Assistant United States Attorney

/s/ Marc M. Lowry
ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, SCHOENBURG & BIENVENU, LLP